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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/943,746      | 08/31/2001  | Jean-Pierre Bertin   | PF000086            | 8561             |

7590

08/13/2004

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| EXAMINER |
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AUVE, GLENN ALLEN

|          |              |
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| ART UNIT | PAPER NUMBER |
|----------|--------------|

2111

DATE MAILED: 08/13/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

|                              |                                      |                                      |  |
|------------------------------|--------------------------------------|--------------------------------------|--|
| <b>Office Action Summary</b> | <b>Application No.</b><br>09/943,746 | <b>Applicant(s)</b><br>BERTIN ET AL. |  |
|                              | <b>Examiner</b><br>Glenn A. Auve     | <b>Art Unit</b><br>2111              |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 14 May 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 May 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Drawings***

1. The corrected drawings were received on May 14, 2004. These drawings are acceptable.

### ***Duty to Disclose***

2. Applicant is reminded of his duty to disclose relevant information regarding patentability of the claims as set forth in 37 CFR §1.56. Copending application 09/942,387 has come to the examiner's attention which has claims that are very similar to those in the instant application. Relevant prior art cited in that case should be cited in this application. See MPEP § 2001.06(b).

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-9 are rejected under 35 U.S.C. 102(e) as being anticipated by Meirsman et al., U.S. Pat. No. 6,636,923 B1.

As per claim 1, Meirsman shows an apparatus for receiving audio-visual program comprising a circuit for communication with means of connection to a bi-directional communication network, wherein the apparatus comprises: a first connector of a bus for communication with a master apparatus, the first connector comprising at least one

conductor for the transmission of a supply voltage (VBUS) originating from the master apparatus (fig.2,(26)); at least one second connector of a communication bus, each second connector allowing the connection of at least one peripheral (28a-28c); a splitter connected on the one hand to the first and second connectors through a switching circuit and on the other hand to a controller (24) managing communications with the first and second connectors (22); and means of detection of the presence of the supply voltage (VBUS) in the first connector, the means of detection being linked to the first connector and generating a switching control signal to the switching circuit, so as to switch the apparatus from a first mode of operation to a second mode of operation in response to the presence of the supply voltage (in col.4 wherein device 20 acts as either a master or a peripheral depending upon whether there is a host coupled to connected 26 or not; the voltage detecting limitations are inherent in the USB specification wherein the connection of a device is detected by detecting its  $V_{BUS}$  as outlined at least in section 7 on page 150 of the USB Specification Revision 2.0). Meirsman shows all of the elements recited in claim 1.

As for claim 2, the argument for claim 1 applies. Meirsman also shows that the first mode is a master mode and the second mode is a peripheral mode (col.4, when no host is coupled to connector 26 the device 20 acts as a master and if a host is connected to connector 26 the device acts as a peripheral). Meirsman shows all of the elements recited in claim 2.

As for claim 3, the argument for claim 1 applies. Meirsman also shows that the first connector is a type B USB connector and the second connectors are each type A USB connectors (inherent in the USB specification). Meirsman shows all of the elements recited in claim 3.

As for claim 4, the argument for claim 1 applies. Meirsman also shows that the switching circuit comprises a quad switch linked to the controller and second connector so

as to allow a link between the second connector and the controller for a first given switching state (fig.2,(22) and at least col.4). Meirsman shows all of the elements recited in claim 4.

As for claim 6, the argument for claim 4 applies. Meirsman also shows that a second link transmits supply voltage detection signal so as to control the switching from one state to another state to an input of the controller and to an input of a main microprocessor (throughout cols. 4-6 which discuss how the device 20 signals and configures itself depending on whether another host is coupled to the device or not). Meirsman shows all of the elements recited in claim 6.

As for claim 7, the argument for claim 4 applies. Meirsman also shows that when the quad switch is switched to a first state the apparatus operates in the peripheral mode and when the quad switch is switched to a second state the apparatus operates in a master mode (cols. 4-6 as noted above). Meirsman shows all of the elements recited in claim 2.

As for claim 5, the argument for claim 1 applies. Meirsman also shows that the switching circuit comprises a quad switch, linked to the controller and to a two-pathway splitter, the two-pathway splitter being linked to the first connector so as to allow in a second switching state a link between on the one hand the first connector and the controller and between on the other hand the first connector and the second connector (cols. 4-6 as noted above). Meirsman shows all of the elements recited in claim 5.

As for claim 8, the argument for claim 1 applies. Meirsman also shows that the master apparatus is a personal computer and the apparatus comprises a digital decoder connected to the communication network so as to allow the computer to talk to the network (col.3, lines 39-43). Meirsman shows all of the elements recited in claim 8.

As for claim 9, the argument for claim 1 applies. Meirsman also shows that the peripheral or peripherals are linked to the second connector of the apparatus by way of an

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additional splitter (figs. 3 and 4, wherein peripherals can be coupled via another hub to one of the connectors 28a-c). Meirsman shows all of the elements recited in claim 9.

### ***Response to Arguments***

5. Applicant's arguments with respect to claims 1-9 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

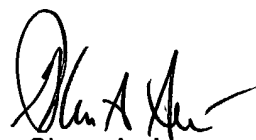
6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The cited references were also cited in copending application 09/942,387.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Glenn A. Auve whose telephone number is (703) 305-9638. The examiner can normally be reached on M-Th 8:00 AM-5:30 PM, every other Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mark Rinehart can be reached on (703) 305-4815. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Glenn A. Auve  
Primary Examiner  
Art Unit 2111

gaa  
August 10, 2004